

SAN JOSE CITY COUNCIL

MEETING SYNOPSIS

FEBRUARY 12, 2002

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members- None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members- None.
- **Invocation (District 2)**
Earl Frost Elementary School Student Council comprised of fourth, fifth and sixth grade students, delivered the Invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing the organizers of Christmas in the Park.
(Mayor)
(Rules Committee referral 2/6/02)
Mayor Gonzales presented a commendation to two members of the Board of Directors for organizing the Christmas in the Park event annually and thanked them for their efforts.
- 1.2 **City Manager, Del D. Borgsdorf introduced new appointments: Paul Krutko, Director of Economic Development; Leslye Corsiglia, Director of Housing; Stephen Haase, Director of Planning, Building and Code Enforcement, and Katrina Allen, Director of Public Works and commended both Rajeev Batra, Acting Director of Public Work, and Joe Horwedel, Acting Director of Planning for their leadership and commitment during their time as Acting Directors for their respective departments.**

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None

- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26570 – Extends the interim hiring rules of the Hiring Pilot Project through March 31, 2003.

Ordinance No. 26570 was adopted.

- 2.3 **Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.**

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #21, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

- 2.4 **Approval of an offer of dedication of parkland and a turnkey parkland agreement.**

Recommendation: Adoption of a resolution accepting an offer of dedication of parkland from Southwest Expressway Partners for park purposes and approval of a turnkey Parkland Agreement with Southwest Expressway Partners for Planned Development Permit No. PD01-01-013. CEQA: Resolution No. 69886. Council District 6. (Parks, Recreation and Neighborhood Services)

Resolution No. 70827 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – January 30, 2002

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review February 12, 2002 Draft Agenda
The Committee approved the February 12, 2002 City Council agenda. In response to a request from Council Member Chuck Reed, the Committee directed the City Attorney, in coordination with the Planning Department, to report to Rules Committee on February 13, 2002 with updated information on the City's Sign Ordinance, including all recent modifications and outstanding referrals.
 - (2) Add New Items to February 5, 2002 Amended Agenda
There were no additions to the February 5, 2002 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended an addition to the February 13, 2002 agenda for the Finance and Infrastructure Committee entitled, "Update on e-Government Due Diligence (Information Technology)."
 - (b) Economic Development and Environment Committee
None Filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.
- (d) Meeting Schedules
 - (1) Request to cancel an evening City Council meeting
The Committee recommended cancellation of the March 5, 2002 evening City Council meeting.
- (e) The Public Record, January 16-22, 2002
The Committee directed Staff to return to Rules Committee on February 13, 2002 with a workload assessment regarding Item (a) on the Public Record, Peter Campbell's request to address Council, with this same information also forwarded to Mr. Campbell.

- (f) Boards, Commissions and Committees
 - (1) Project Diversity Screening Committee
The Committee recommended appointment of Silvia Alvarez to a two-year term ending December 31, 2003.
 - (2) Airport Curfew Monitoring Committee
This item was reported to Council on February 5, 2002.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
There were none.
- (h) Administrative Reviews and Approval
 - (1) Approve City Positions on March 2002 State Ballot Propositions
This item was reported to Council on February 5, 2002, with direction to continue discussion of Proposition 45 at the February 6, 2002 Rules Committee meeting.
- (i) Oral Communications
Peter Campbell requested clarification on the disposition of his request to address Council, listed on this week's Public Record. William Garbett commented on furniture contracts for the San Jose State University/City of San Jose Joint Library.
- (j) Adjournment
The meeting adjourned at 2:45 P.M.

The Rules Committee Report and actions of January 30, 2002 were accepted.

**3.3 Report of the Finance and Infrastructure Committee
Council Member Dando, Chair
No Report.**

3.4 Approval of the 2001-2002 Mid-Year Budget Review Report.

Recommendation:

- (a) Approval of the 2001-2002 Mid Year Budget Review.
Approved with direction to staff to (1) provide information to Council regarding the location of the Sanitary Sewer Pump at the Lamplighter station; (2) the Civic Center budget decrease; (3) the staffing report regarding the paramedic hiring needs; (4) the new security needs at the Airport with the current ACT program; (5) the Fire Training Center study; (6) on the Level of Service Policy public outreach to major stakeholders in the community; (7) Nutrition Site locations receiving additional funds; (8) a completed list of traffic projects with unexpended funds and (9) a Change Order for the Monterey River project for additional appropriation needs.

- (b) Adoption of related appropriation ordinance and funding sources resolution amendments for the 2001-2002 Mid Year Budget Review.

Ordinance No. 26575 adopted.

Resolution No. 70828 adopted.

3.4 Approval of the 2001-2002 Mid-Year Budget Review Report. (Cont'd)

- (c) Adoption of related resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements.

This Item was dropped (3.4(c) only).

(City Manager's Office)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

4.2 Approval of various actions related to the Tully Gardens housing development.

Recommendation: Adoption of a resolution:

- (a) Approving business terms for a construction loan of up to \$2,559,294, and a permanent loan of up to \$2,751,219.
- (b) Approving an amendment to the Conditional Grant of \$4,866,000, executed on October 31, 2000, to allow the grant to be made to Tully Gardens L.P., CORE Development Inc., the Emergency Housing Consortium, or each of their designated partnerships, in such allocations as allowed by federal tax regulations and as approved by the Director of Housing, for the development of the Tully Gardens SRO, Phase I, a 153-unit Single Room Occupancy affordable to extremely low-income households on a 1.46-acre site located at 2030 and 2150 Monterey Road north of Tully Road.

Council District 7. (Housing)

Resolution No. 70829 adopted.

4.3 Approval of various actions related to the Villa Monterey Apartments.

Recommendation: Approval of the following actions regarding the Villa Monterey Apartments:

- (a) Hold a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing for the issuance of up to \$11,000,000 in tax-exempt multifamily housing revenue bonds for acquisition and rehabilitation of a 120-unit family rental housing development located at 2898 Villa Monterey.

TEFRA Hearing held.

No public testimony presented.

- (b) Adoption of a resolution certifying that the TEFRA Hearing was held in accordance with applicable federal regulations.

Council District 7. (Housing/Finance)

Resolution No. 70830 adopted.

4.4 Approval to allocate a donation to the Healthy Neighborhoods Venture Fund Program to the Santa Clara Family Health Plan.

Recommendation: Approval to allocate the Calpine/Bechtel donation to the Healthy Neighborhoods Venture Fund Program, in the amount of \$500,000, to the Santa Clara Family Health Plan to support children's health insurance programs for San José residents. (Parks, Recreation and Neighborhood Services)

Approved.

4.5 Approval of various actions related to City support services for San Jose-based arts organizations

Recommendation: Approval of the following temporary measures to support San José-based arts organizations during the economic downturn:

- (a) Redirecting the Arts Venture Grant program to the Arts Grants Fund
- (b) Creating challenge grants in the Arts Grants Fund
- (c) Deferring loan payments by one year for arts organizations
- (d) Providing technical assistance to arts organizations
- (e) Adjustments to the City-owned performance venues policy

(Mayor)

(Orders of the Day)

Approved.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – January 28, 2002

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report

The Committee accepted the staff report with the following directives to staff: A meeting is scheduled prior to February 25, 2002 ENYS Committee meeting with Council Member Dando to clarify her expectations on the Youth Commission's role as it relates to Domestic Violence.

- (b) Animal Care and Services Status Report

The Committee accepted the staff report with the following directives to staff: (1) When the bid for the facility comes before Council, it includes what will be going to bid now and also what will be coming out to bid later, including costs for both. (2) A Master Plan for Animal Care Services is created, including alternative places for animals that are not adoptable and the formation of a committee of community leaders. (3) A RFQ is created inviting individuals who are interested in the site to participate.

- (c) Skate Park Update

The Committee accepted the staff report with the following directives to staff: (1) A memo is sent to Council Members with: (a) Background information, (b) List of sites recommended by Council Members, (c) A "to do" list for each site, (d) Timelines for each site, (e) Costs for each site. (2) A

list of City-owned property is provided to each Council Member for potential use as a skate park. (3) Schedule this Item for presentation to Council on February 12, 2002.

- (d) Community Feedback on Proposed Changes to Blight Ordinance
The Committee accepted the staff report with the following directives to staff: (1) Statistics are provided in one year to the Committee on the success of the Blight Ordinance. (2) A “Master Plan” for Code Enforcement showing staffing needs, one to two years out, to provide necessary support to SNI neighborhoods. (3) Code Enforcement and Police and Fire Departments work collectively to address the issues of “quality of life”, to be included in the September 2002 Work plan.
- (e) Quarterly Report on the new Martin Luther King, Jr. Library
The Committee accepted the staff report.
- (f) Update Report from the Airport Ombudsman and Noise Monitoring Center
The Committee accepted the staff report with the following directives to staff: An update report by the Airport Ombudsman is returned to the February ENYS Committee meeting and quarterly thereafter with the following updates: (1) Information requested on memos dated June 25, 2001, November 12, 2001 and Council Member Yeager’s memo dated January 28, 2002. (2) Completion of the Guadalupe Trail. (3) Airline leases renegotiations in 2007 showing the following: Groundwork for the negotiations, Names of individuals who will actually sit down and do the negotiations with the City, Notification process to neighborhoods. (4) Preparation of a one sheet document showing all potential grants and /or loans available to the community having been signed off by the Airport, Redevelopment Agency, parks, Recreation and Neighborhood Services, Public Works and Housing.
- (g) Oral petitions
None.
- (h) Adjournment
The meeting adjourned at 3:35 P.M.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of January 28, 2002 were accepted with staff directed to regarding 5.1 (c) agendaize for the Council meeting of February 19, 2002 discussion of large regional skate parks and strategies for implementing regional and neighborhood parks in each district.

5.2 Approval of an agreement for the Guadalupe River Park Ranger Station.

Recommendation: Approval of a continuation agreement for park funding for the Guadalupe River Park Ranger Station with the County of Santa Clara, extending the term of the agreement to provide for the payment to the City of the County’s share of the cost of the project, in the amount of \$475,000. CEQA: Resolution No. 61620. Council District 3. SNI: Delmas Park. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

6.1 Approval of an agreement for public education services for the Traffic Calming Program.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Liquid Agency, Inc. to develop and assist in implementing public education and awareness services for the period March 1, 2002 to March 1, 2003, as part of the City's Traffic Calming Program, in an amount not to exceed \$316,000.
- (b) Negotiate and execute an agreement with Liquid Agency, Inc. to provide media purchasing for public education and awareness services for the period March 1, 2002 to March 1, 2003, as part of the City's Traffic Calming Program, in an amount not to exceed \$529,394.

(Transportation)

Deferred to February 19, 2002.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of various actions related to the Airport Master Plan.

Recommendation: Adoption of resolutions:

- (a) Approving a minor amendment to the adopted Airport Master Plan to relocate the Federal Aviation Administration's Remote Transmitter and Receiver (RTR) facility leasehold on the west side of the Airport from its existing site at the southeast corner of Coleman Avenue and Aviation Avenue to a vacant site currently designated for overflow parking on the north side of the Federal Aviation Administration (FAA) Air Traffic Control Tower adjacent to Martin Avenue, and redesignation of the existing RTR site for future general aviation development; and
- (b) Authorizing the City Manager:
 - (1) To negotiate and execute a reimbursable agreement with the Federal Aviation Administration for design, construction, and inspection services to be provided to the City by the FAA for the Remote Transmitter and Receiver Relocation Project at the Norman Y. Mineta San José International Airport, for a period not to exceed three years from the date of execution by the FAA, in an amount to be paid by the City not to exceed \$715,201.
 - (2) To negotiate and execute an Equipment Transfer Agreement with the FAA for the transfer of ownership to the FAA of equipment purchased by the City in an amount not to exceed \$1,370,000, for the Norman Y. Mineta San José International Airport Remote Transmitter and Receiver Relocation Project, at no cost to the FAA.

- (3) To negotiate and execute a lease with the FAA for the Remote Transmitter and Receiver facility at the Norman Y. Mineta San José International Airport, for a year-to-year term, for a total term not to exceed 20 years, at no cost to the FAA.

CEQA: Resolution No. 67380. (Airport)

Resolution Nos. 70831-70832 were adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9404	NW/c Gold St. & SR237 at terminus of Great America Pkwy	4	America Center	13 lots	Commercial Subdivision

- Open Forum
None.
- Adjournment
The Council of the City of San Jose adjourned at 3:30 p.m.

JOINT REDEVELOPMENT AGENCY/COUNCIL

**REDEVELOPMENT AGENCY BOARD CONVENED AT 4:05 P.M. TO
CONSIDER ITEMS 7.1 AND 7.2 IN A JOINT SESSION.**

- 7.1 Approval of a Cooperation Agreement between the City and the Redevelopment Agency, an amendment to the agreement between the City and NHSSV to provide**

funding assistance of \$2,000,000 for first time homebuyers, and related budget actions.

Recommendation:

- (a) Adoption of a resolution by the Agency Board approving the addition of \$2,000,000 to the Adopted FY 2001-2002 Capital Budget: SNI-First Time Homebuyers, a new project line in the Neighborhood Investment Program, and amending the FY 2001-2002 Agency appropriations resolution.
Redevelopment Agency Board Resolution No. 5250 adopted.
Vote: 11-0-0-0.
- (b) Adoption of resolutions by the City Council and the Agency Board approving a Cooperation Agreement between the City of San José and the Redevelopment Agency, which provides for the transfer of \$2 million of Agency funds to the City of San Jose to be used as a contribution to Neighborhood Housing Services Silicon Valley (NHSSV) for equity capital for the first-time homebuyer program.
Resolution No. adopted.
Redevelopment Agency Board Resolution No. 5251 adopted.
Vote: 11-0-0-0.
- (c) Adoption of a resolution by the City Council approving an amendment to the agreement with NHSSV, to provide for an increase of \$2 million for equity capital for the first-time homebuyer program.
Resolution No. 70833 adopted.
Vote: 11-0-0-0.

7.2 City Council and Agency Board approval of a Termination Agreement with Santa Clara Unified School District, Terminating the obligation to make payments to the District as of FY 2002-2003 and allowing the District to receive pass-through payments.

Recommendation: Approval by the City Council and Agency Board of a Termination Agreement with Santa Clara Unified School District, Terminating the obligation to make payments to the District as of FY 2002-2003 and allowing the District to receive pass-through payments pursuant to Health and Safety Code. Section 33607.5. **(RINCON DE LOS ESTEROS)**

Approved.

Vote: 11-0-0-0.

REDEVELOPMENT AGENCY BOARD MEETING WAS ADJOURNED AT 4:10 P.M.